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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA-2013-0097]

Pipeline Safety: Reminder of Requirements for Utility LP-Gas and LPG Pipeline Systems

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Issuance of Advisory Bulletin.

SUMMARY: PHMSA is issuing an Advisory Bulletin to remind owners and operators of liquefied petroleum gas (LPG) and utility liquefied petroleum gas (utility LP-Gas) plants that although they must follow the American National Standards Institute/National Fire Protection Association (ANSI/NFPA) standards 58 or 59, they must also follow certain sections and requirements of Part 192.

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SUPPLEMENTARY INFORMATION:

I. Background

49 CFR 192.11 requires that each plant that supplies petroleum gas by pipeline to a natural gas distribution system must meet the requirements of Part 192 and ANSI/NFPA 58 and 59 (2004) (192.11(a)). It also states that each pipeline system subject to Part 192 that transports only petroleum gas or petroleum gas/air mixtures must meet the requirements of Part 192 and of ANSI/NFPA 58 and 59 (192.11(b)). Finally, the regulation lays out a primacy provision stating that in the event of a conflict between the regulation and the standard, ANSI/NFPA 58 and 59 prevail (192.11(c)). However, this primacy provision does not excuse operators from following

Part 192 requirements. For instance, when ANSI/NFPA 58 or 59 (2004) does not address a specific subject, then no conflict has occurred and the operator must follow Part 192 requirements.

At the time the primacy provision was added to the regulations in 1996, the standards took advantage of more current petroleum gas transportation technology and safety practices. In a July 22, 2009, (74 FR 36139) Notice of Proposed Rulemaking (NPRM), PHMSA proposed changing this primacy provision. PHMSA proposed changing this provision because the new NFPA standards issued in 2008 had many conflicts with Part 192 and PHMSA had noticed that operators were misinterpreting § 192.11(c). In response to the NPRM, commenters objected to the change suggesting it would result in unanticipated safety consequences. PHMSA did not take any action at the final rule stage, but in the future, PHMSA may undertake a rulemaking to address this issue. This Advisory Bulletin serves to remind owners and operators of petroleum gas systems that they must continue to comply with certain requirements of Part 192.

II. Advisory Bulletin (ADB-2013-03)

To: Owners and operators of LPG and utility LP-gas plants.

Subject: Applicability of Part 192 to owners and operators of LPG and utility LP-gas plants.

Advisory: When ANSI/NFPA 58 or 59 (2004) does not address a specific subject, then a conflict has not occurred and the operator must follow Part 192 requirements. Part 192 covers areas that are not addressed in ANSI/NFPA 58 or 59 (2004). These areas include:

- Inspection requirements for distribution mains (§§ 192.305 and 192.307).
- Backfill requirements for installing pipe in a ditch (§ 192.319).
- Underground pipe clearance requirements (§ 192.325).
- Valve requirements for service lines (§§ 192.363 and 192.365).
- Continuing surveillance (§ 192.613).
- Public awareness (except for small LP-gas systems) (§ 192.614).

- Operator qualification (except for small utility LP-Gas systems) (Subpart N).
- Distribution Pipeline Integrity Management (Subpart P).

While not intended to be an exhaustive list, the following table highlights various requirements of Part 192 that are not addressed by ANSI/NFPA 58 and 59 (2004). Because ANSI/NFPA 58 and 59 (2004) do not have specific language on these topics, there is no conflict, and therefore Part 192 applies in these areas.

Subpart G – General Construction Requirements for Transmission Lines and Mains

Section	Title
192.305	Inspection: General.
192.307	Inspection of materials.
192.319	Installation of pipe in a ditch.
192.323	Casing.
192.325	Underground clearance.

Subpart H – Customer Meters, Service Regulators, and Service Lines

Section	Title
192.363	Service lines: Valve requirements.
192.365	Service lines: Location of valves.

Subpart L – Operations

Section	Title
192.613	Continuing Surveillance.
192.614	Damage Prevention Program.
192.615	Emergency Plans.
192.616	Public Awareness.

Subpart N – Qualification of Pipeline Personnel

This Part 192 subpart would apply in its entirety; NFPA 58 does not address any requirements of this subpart.

Subpart P – Distribution Pipeline Integrity Management (IM)

Title
This Part 192 subpart would apply in its entirety; NFPA 58 does not address any requirements of this subpart.

Issued in Washington, DC, on July 11, 2013.

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Associate Administrator for Pipeline Safety.